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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

KELLI GRAY, and all other similarly
situated,

Plaintiffs,

v.

SUTTELL & ASSOCIATES, *et. al.*

Defendants.

Case No.: CV-09-251-EFS

PLAINTIFFS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
PURSUANT TO PLAINTIFFS'
THIRD, FOURTH, AND FIFTH SET
OF REQUESTS FOR PRODUCTION

EVA LAUBER, DANE SCOTT,
SCOTT BOOLEN, JOEL FINCH and
all other similarly situated,

Plaintiffs

v.

ENCORE CAPITOL GROUP, INC. *et.*
al.

Defendants

MOTION TO COMPEL 3rd, 4th, & 5th
REQUESTS FOR PRODUCTION - 1 -

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1 Plaintiffs Kelli Gray, Eva Lauber, Scott Boolen, Dane Scott and Joel Finch,
2 through their attorneys Michael D. Kinkley and Scott M. Kinkley of *Michael D.*
3 *Kinkley, P.S.*, and Kirk D. Miller of *Kirk D. Miller, P.S.* request that the Court
4 enter an Order compelling the Defendant Suttell & Associates, P.S. to produce
5 documents in Response to (1) Plaintiffs' Third Set of Requests for Production
6 served on Defendant on November 8, 2010 and due December 8, 2010, (2)
7 Plaintiffs' Fourth Set of Requests for Production served on November 18, 2010
8 and due December 20, 2010, and (3) Plaintiffs' Fifth Set of Requests for
9 Production served on Defendant on November 29, 2010 and due on December 29,
10 2010.
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14 The Plaintiffs requests an award of costs and attorney fees be imposed
15 against Defendant Suttell & Hammer, P.S. pursuant to FRCP 37(a)(4)(A).
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17 This motion is based on Fed R. Civ. P. 26, 34 & 37, the Memorandum in
18 Support of Plaintiff's Motion to Compel, the Declaration of Scott M. Kinkley in
19 Support of Motion to Compel, and the files and pleadings herein.
20

21 I certify that I have in good faith conferred regarding these discovery issues
22 with Carl E. Hueber of *Winston & Cashatt, P.S.*, the attorney for the Defendant
23 Suttell & Hammer, P.S., by telephone on January 13, 2011, February 3, 2011, and
24 February 11, 2011, and at other times by mail and e-mail in an effort to secure the
25 discovery disclosures without court action. The parties have been unable to resolve

1 the discovery dispute pertaining to three Requests for Production seeking
2 specifically identified JST notes. Defendant Suttell & Hammer, P.S. objected to
3 and refused to produce the responsive JST notes. Defendant Suttell & Hammer,
4 P.S. indicates it is unwilling to withdraw its objections and produce the JST notes
5 despite the efforts of counsel to resolve this issue without court action.
6

7
8 Dated this the 11th day of February, 2011

9
10 *Michael D. Kinkley, P.S.*

11 /s Scott M. Kinkley

12 Scott M. Kinkley
13 Attorney for Plaintiff
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CM/ECF CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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